

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2637

Richard Hopewell,

Appellant,

v.

Paul A. Richards,

Appellee.

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Appeal from the United States
District Court for the
District of South Dakota.

[UNPUBLISHED]

Submitted: August 6, 1999

Filed: August 12, 1999

Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Richard Hopewell appeals from the district court's¹ grant of summary judgment to attorney Paul A. Richards in this diversity action. We conclude that the district court was not required to compel compliance with a local rule that required a summary judgment movant to provide a statement of undisputed material facts, where the court found the issues had otherwise been adequately developed by the parties. See Drake v. Scott, 812 F.2d 395, 401 (8th Cir.) ("It is normally for the district court to enforce

¹The Honorable John B. Jones, United States District Judge for the District of South Dakota.

compliance with its local rules.”), cert. denied, 484 U.S. 965 (1987). We note, moreover, that Mr. Hopewell had himself characterized Mr. Richards’s motion to dismiss as one for summary judgment, he had ample time to respond the motion, he referred the court to documents outside the pleadings, and he did not object at the hearing when the district court stated it would treat the motion as one for summary judgment. See Madewell v. Downs, 68 F.3d 1030, 1048 (8th Cir. 1995).

We conclude that the judgment is correct and an extended opinion would have no precedential value. Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.